

Cochran, Crump, Dickson, Fields, Franklin, Gillet, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Johnson, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Selman, Shaw, Shea, Smith of Red River, Smith of Shelby, Speights, Stapp, Sterne, Stewart, Tarrant, Taylor of Cass, Williams and Wren—40.

Nays—Messrs. Bryan, Hunt, Shepard, Taylor of Harrison and Wigfall—5. So the bill passed

On motion the House adjourned until ten o'clock to-morrow morning.

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AUSTIN, November 23, 1850.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Franklin, Jowers, Patrick, Scott, Shea, Wigfall and Winfield.

Journal of yesterday read and adopted.

Mr. Fields submitted the petition of Daniel Merritt praying the passage of a law, giving to his wife Cynthia R. Merritt the entire control of her property, real and personal; referred to the committee on the Judiciary.

Mr. Hardeman of Travis, submitted the petition of William H. Parker, of the State of Virginia, praying the passage of a law, authorizing the proper officers of the State to issue to him duplicates of certain bonds; referred to a special committee, consisting of Messrs. McKinney, Russell and Scott.

Mr. Shea, submitted the petition of John Gillespie, praying for relief; referred to the committee on private land claims.

Mr. Crump submitted the petition of the county court of Bexar county, praying the power to increase the county taxes of said county; referred to the committee on the Judiciary.

Mr. Shea submitted the petition of John Gillespie, praying for relief; referred to the committee on claims and accounts.

Mr. Scott submitted the petition of Henry Tierwester, praying for relief; referred to the committee on private land claims.

Mr. Holland submitted the petition of Aquilla Brinkley praying for relief; referred to the committee on private land claims.

Mr. Smith of Shelby, chairman of the committee on military affairs, to whom was referred the petition of Peter Lopez, reported a bill for his relief, and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Crump, chairman of the committee on the public debt, to whom was referred a bill to be entitled an act, for the benefit of certain persons therein named; reported the same back to the House and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Burney chairman of the committee on private land claims, to whom was referred the petition of Stoakly D. Shoate; reported a bill for his relief and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate had passed a bill entitled an act, to permanently locate the seat of justice of Denton county; a bill, to be entitled an act, to incorporate Fayette Academy, in the county of Fayette; originating in the House of Representatives.

Mr. Burney, chairman of the committee on private land claims, to whom was referred the petitions of the Heirs of William Donoho, deceased, and that of L. D. Henderson, reported a bill for their relief and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the joint resolution for the relief of Daniel Parker, Jr.; reported the same back to the House without amendment, and recommended its passage.

Report and joint resolution laid on the table to come up among the orders of the day.

Mr. Burney, chairman of the committee on Private Land Claims, to whom was referred the petition of the Heirs of James T. Sheffield, reported a bill for their relief and recommended its passage.

Report and resolution laid on the table to come up among the orders of the day.

Mr. Charlton, chairman of the committee on County Boundaries to whom was referred the petition of Eighteen Citizens of Leon county, as also the remonstrance of One hundred and fifty other Citizens, reported the petitions back to the House and recommended that no action be taken thereon.

Report laid on the table to come up among the orders of the day.



Mr. Smith of Red River, chairman of the Select committee, to whom was referred a bill to be entitled an act to authorize the settlers in Peters' Colony to intervene in suit or suits in reference to any matter connected with said Colony contracts where they have an interest; reported the same back to the House without amendment and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Franklin, chairman of the Select committee, to whom was referred the bill to be entitled an act to organize the Supreme Court of the State of Texas; reported the following substitute for the same and recommended its passage.

An act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the second section of the act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th of May, 1846, be amended so as to read as follows: "Section 2. *Be it further enacted*, That the Supreme Court shall hold its sessions once in every year at the City of Austin, in the county of Travis; once in every year at the City of Galveston, in the county of Galveston, and once in every year at the town of Henderson, in the county of Rusk. That the causes decided in the District Courts of the second, third, fourth and eleventh judicial districts, when taken up by appeal or otherwise to the Supreme Court, shall be returnable to the Supreme Court sitting at the city of Austin. That the causes decided in the District Courts of the first, seventh, tenth and twelfth judicial districts, shall be returnable to the Supreme Court holding its session at the city of Galveston. That the causes decided in the District Courts of the fifth, sixth, eighth and ninth judicial districts, shall be returnable to the Supreme Court holding its session at the town of Henderson, in the county of Rusk; *Provided*, That the parties or their attorneys may, on filing an agreement for that purpose with the clerk of any District Court in either of the judicial districts, direct the record, accompanied by a certified copy of the agreement to be transmitted to the Supreme Court holding its session—either at the city of Austin, the city of Galveston or at the town of Henderson; *Provided further*, That all causes, where land titles are involved, taken up from the District Courts to the Supreme Court, where the State of Texas is a party, shall be returnable to the Supreme Court holding its session at the city of Austin. That the Supreme Court shall hold its session



at the city of Austin on the second Monday in November, in each and every year, and may continue in session six weeks, or until the business before the court is disposed of. At the city of Galveston on the first Monday in January, and may continue in session ten weeks, unless the business before the court is sooner disposed of. At the town of Henderson on the first Monday in April, and may continue in session until the first day of July, unless the business before the court is sooner disposed of. That all causes remaining on the docket undisposed of when this act goes into effect, which have been decided in the counties included in the first, seventh, tenth and twelfth judicial districts, shall be by the clerk of the Supreme Court, transmitted to the Supreme Court holding its session at the city of Galveston. That the causes remaining on the docket undisposed of which were decided in the fifth, sixth, eighth and ninth judicial districts, shall be transmitted to the Supreme Court holding its sessions at the town of Henderson, unless the parties or their attorneys agree that the same may be decided by the Supreme Court holding its session at the city of Austin.

SEC. 2. *Be it further enacted*, That the seventh section of the act entitled an act to organize the Supreme Court of the State of Texas, approved the 12th day of May, 1846, be amended so as to read as follows: "Section seventh. *Be it further enacted*, That the clerk of the Supreme Court, shall keep an office at the city of Austin, at the city of Galveston, and at the town of Henderson. That said clerk shall have power to appoint deputies under him, from whom he may require bonds for the faithful discharge of the duties of his office, by written appointment under the seal of the court, which shall be filed and recorded in the records of the court, to whom he shall administer an oath faithfully to discharge the duties of his office, and for whose official acts he shall in all cases be responsible. That the clerk of the Supreme Court shall appoint a deputy residing in the first, seventh, tenth or twelfth judicial districts, who shall reside at the city of Galveston, and attend at the office of the clerk of the Supreme Court. That he shall also appoint a deputy residing in the fifth, sixth, eighth or ninth judicial district, who shall reside at the town of Henderson, and attend at the office of the clerk of the Supreme Court and attend to and discharge the duties of his office during the absence of the clerk of the Supreme Court, or when the clerk is present, under his direction. That the clerk of the Supreme Court and his deputies shall have power to administer oaths in all cases incident to the discharge of the duties of his office."



SEC. 3. *Be it further enacted*, That this bill take effect from and after its passage.

Report and bill laid on the table to come up among the orders of the day.

Mr. Selman introduced a joint resolution for the relief of the Heirs of J. Rutherford, deceased; read first time; rule suspended, resolution read second time, and referred to the committee on Military Affairs.

Mr. Williams introduced a bill for the relief of George W. Wright and others; read first time; rule suspended; read second time and referred to the committee on the Public Debt.

Mr. Williams introduced a bill to be entitled an act for the relief of John M. Taylor; read first time.

Mr. Lloyd introduced a joint resolution for the relief of John C. Walling; read first time; rule suspended, resolution read second time and referred to the committee on Public Lands.

Mr. Shepard introduced a resolution authorizing the Governor to draw money from the Treasury for certain purposes; read first time; rule suspended, read second time and referred to the Finance committee.

Mr. Sterne introduced the following resolution:

*Resolved*, That the committee on Public Printing, be, and they are hereby authorized and required to contract with De Cordova & Co. for 48 copies of each issue of the South Western American; during the publication of the debates of the present session for the use of the members of the House of Representatives, and that the same be paid for out of the contingent fund of this House; the yeas and nays being called for on its passage stood as follows:

Yeas: Messrs. Speaker, Bogart, Bryan, Barney, Cochran, Crump, Fields, Franklin, Gillet, Hardeman of Travis, Hendricks, Holland, Hunt, Jowers, Lloyd, Lott, McKinney, Owen, Patrick, Polk, Reynolds, Runnels, Russell, Scott, Shaw, Shea, Shepard, Smith of Shelby, Stapp, Sterne, Taylor of Cass, Taylor of Harrison, Wigfall, Williams and Wren—35.

Nays: Messrs. Charlton, Clements, Dickson, Hardeman of Nacogdoches, Johnson, Selman, Smith of Red River, and Speights—8.

So the resolution was adopted.

Mr. Tarrant introduced a bill to be entitled an act to authorize the Commissioner of the General Land Office to issue Patents to the Heirs of Simon Gillom and the Heirs of John Smith; read first time; rule suspended; bill read second time and referred to the committee on Private Land Claims.



Mr. Patrick introduced a bill to be entitled an act for the relief of the Heirs of Mary Ann Smith, deceased; read first time.

Mr. Dickson introduced a bill appropriating ten thousand dollars, or so much thereof as may be necessary for the payment of the mileage and per diem pay of the members of the second extra session, third Legislature; read first time. On motion of Mr. Dickson, the rule was suspended. On motion of Mr. Scott, the bill was laid on the table for the present.

On motion of Mr. Franklin, the motion of Mr. Scott to amend the journal of Monday the 18th inst., which had been previously laid on the table, was taken up.

The question to reconsider the adoption of the journal of Monday the 18th inst. was put and carried.

Mr. Franklin then moved to amend the journal of Monday the 18th inst., by striking out in the first and second lines after the word "pursuant" the words "adjournment and subsequent;" upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Dickson, Franklin, Gillet, Hendricks, Holland, Hunt, Lloyd, Lott, Reynolds, Scott, Selman, Shea, Shepard, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, and Wigfall—21.

Nays: Messrs. Speaker, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, Lewis, McKinney, Owen, Patrick, Runnels, Shaw, Smith of Red River, Smith of Shelby, Sterne, Williams and Wren—21.

There being a tie the question was lost.

Mr. Wren moved a reconsideration of the vote last taken; which motion prevailed and the vote was reconsidered.

On motion a call of the House was ordered, and Sergeant at arms dispatched for absent members.

On motion of Mr. Taylor of Cass, Mr. Russell was excused from attendance on the House to-day.

On motion a further call of the House was suspended.

Mr. Franklin renewed his motion to amend the journal; upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Bryan, Clements, Crump, Dickson, Franklin, Gillet, Hendricks, Holland, Hunt, Lloyd, Lott, Reynolds, Scott, Selman, Shea, Shepard, Speights, Stapp, Tarrant, Taylor of Cass, Taylor of Harrison, and Wigfall—22.

Nays: Messrs. Speaker, Bogart, Burney, Charlton, Cochran, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Johnson, Jowers, Lewis, McKinney, Owen, Patrick, Runnels, Shaw, Smith of Red River, Smith of Shelby, Williams and Wren—20.

So the motion carried, and the journal ordered to be amended.



On motion, the journal of Monday the 18th inst., was then adopted as amended.

On motion, leave of absence was granted to Messrs. Stewart and Lewis, until three o'clock on Wednesday next.

A message was received from the Senate informing the House that the Senate had passed an act incorporating Rising Star Chapter No. 9; and a bill for the relief of Lewis Monroe Mays, a minor.

Mr. Jowers presented a communication from the Hon. D. S. Kaufman, and asked leave of the House that the same be read by the chief clerk.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate refused to concur in the amendments of the House to the bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc., etc.

On motion of Mr. Tarrant, the House adjourned until three o'clock p. m.

3 O'CLOCK, P. M.

House met pursuant to adjournment—roll called—quorum present.

Mr. Tarrant, chairman of the Special Committee, to whom was referred the petition of James M. Boggs, reported a joint resolution for his relief and recommended its passage.

Report and bill laid on the table to come up among the orders of the day.

On motion of Mr. Franklin, the House proceeded to take up the business on the Speaker's table and the Orders of the day.

### ORDERS OF THE DAY.

On motion, the bill to be entitled an act accepting the propositions of the United States to the State of Texas etc., etc., was taken up.

Mr. McKinney moved that the House recede from its amendments to the bill.

On motion, a call of the House was ordered, and the Sergeant at arms despatched for absent members.

On motion, the call was suspended.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House that the Senate requested the House to return to the Senate the bill to be entitled an act accepting the propositions of the United States to the State

of Texas; and had passed a bill to be entitled an act to repeal in part an act entitled an act to incorporate the Trinity Plank Road Company, originating in the House of Representatives; also, a bill to be entitled an act to locate the seat of justice of Kaufman County; a bill to be entitled an act to incorporate the town of Shelbyville in Shelby county, and a bill to be entitled an act to authorize the employment of a State Architect.

Mr. Scott moved that the Chief Clerk be instructed to transmit to the Senate in accordance with their request, the bill to be entitled an act accepting the propositions of the United States to the State of Texas; carried.

Mr. Fields moved to reconsider the vote last taken; carried.

Mr. McKinney then renewed his motion to recede from the amendments to the bill; upon which the yeas and nays were called for and stood as follows:

Yeas: Messrs. Speaker, Clements, Crump, Fields, Hardeman of Travis, Jowers, Lloyd, McKinney, Owen, Patrick, Polk, Shea, Stapp, Sterne, Taylor of Harrison, and Wigfall—16.

Nays: Messrs. Bogart, Bryan, Burney, Charlton, Cochran, Dickson, Franklin, Gillet, Hardeman of Nacogdoches, Holland, Hunt, Johnson, Lott, Reynolds, Runnels, Scott, Selman, Shaw, Shepard, Smith of Red River, Smith of Shelby, Speights, Tarrant, Taylor of Cass, Williams and Wren—27.

So the House refused to recede from their amendments.

On motion, the communication from His Excellency the Governor, this day transmitted to House was taken up and read as follows;

EXECUTIVE DEPARTMENT,  
Austin, Texas, November 22, 1850. }

*To the Honorable Senate and*

*House of Representatives.*

GENTLEMEN: On the receipt from the Department of State at Washington city, by special express, of the bill passed by the general Congress, proposing to purchase part of the North-western territory of the State of Texas, which is now before your Honorable body for legislative consideration and action, I took immediate steps to lay the matter before the people of the State to obtain through the medium of a general election, their acceptance or rejection of the proposition.

As the time to effect this was necessarily so limited, it was of vital importance that every means at the command of the Executive Department should be made use of to carry out promptly and effectively the course thus taken; and in furtherance of this



view, I deemed it advisable to employ five Expresses to carry the Proclamation for said election to the several Chief Justices of the different counties of the State, with as much dispatch as possible.

As these duties thus required considerable exertion on the part of the Expresses, who underwent much fatigue and exposure in their discharge, and as they appear to have been faithfully performed, I have the honor to recommend that your Honorable body make a suitable appropriation for the services rendered.

One of these expresses, (Mr. Wiley Marshall,) having lost a horse in the performance of this duty, I would also respectfully recommend that your Honorable body make him an equitable compensation for the same.

P. H. BELL.

On motion of Mr. Dickson, the communication was referred to the committee on Finance.

On motion, a bill to be entitled an act to legalize the acts of the County Surveyor of the county of Cass from the Senate, was taken up and read first time.

On motion, rule suspended—bill read second time and passed to a third reading.

On motion, rule further suspended—bill read third time and passed.

On motion of Mr. Franklin, a bill to be entitled an act to amend the second and seventh sections of an act entitled an act to organize the Supreme Court of the State of Texas &c. with the substitute of the select committee was taken up, and the substitute adopted.

Mr. Smith of Red River moved to strike out "Henderson in Rusk county," and insert "Tyler in Smith county," upon which the yeas and nays were called for and stood as follows:

Yeas—Messrs. Bogart, Burney, Charlton, Clements, Cochran, Crump, Dickson, Franklin Gillet, Hendricks, Lewis, Lott, Owen, Patrick, Runnels, Scott, Selman, Shea, Shepard, Smith of Red River, Tarrant, Taylor of Harrison, Wigfall, Williams and Wren—25.

Nays—Messrs. Speaker, Bryan, Fields, Hardeman of Nacogdoches, Hardeman of Travis, Holland, Johnson, Lloyd, McKinney, Polk, Reynolds, Shaw, Smith of Shelby, Speights, Stapp, Sterne and Taylor of Cass—17. So the amendment was made.

Mr. Clements moved to strike out "Galveston" and insert "Corpus Christi." Rejected.

Mr. Shea moved to strike out "Galveston" and insert, "Houston"—upon which the yeas and nays stood as follows:

Yeas—Messrs. Dickson, Gillet, Jowers, Lewis, Patrick, Reynolds, Runnels, Scott, Smith of Red River, Smith of Shelby, Stapp, Taylor of Cass and Wren—13.



Nays—Messrs. Speaker, Bogart, Bryan, Burney, Charlton, Cochran, Crump, Fields, Franklin, Hardeman of Nacogdoches, Hardeman of Travis, Hendricks, Holland, Hunt, Johnson, Lloyd, Lott, McKinney, Owen, Polk, Selman, Shaw, Shea, Shepard, Speights, Sterne, Tarrant, Taylor of Harrison, Wigfall and Williams—30. So the motion was lost.

Mr. Stapp moved to lay the bill on the table until monday next. Lost.

On motion of Mr. Holland, the bill was ordered to be engrossed.

On motion of Mr. Lewis, a bill to be entitled an act, authorizing the Commissioner of the General Land Office to issue Patents to certain persons therein named, was taken up and read second time.

Mr. Lewis moved to amend by striking out "Senate and House of Representatives," and inserting "Legislature of the State of Texas." Carried.

On motion of Mr. Lewis the bill was ordered to be engrossed.

On motion of Mr. Lewis, the rule was suspended, bill read third time and passed.

A message was received from the Senate, through their Secretary, Mr. Raymond, informing the House, that the Senate had concurred in the amendments of the House to a bill to be entitled an act accepting the propositions made by the United States to the State of Texas, etc. etc.

On motion of Mr. Dickson, a bill to be entitled an act appropriating ten thousand dollars, or so much thereof as may be necessary, for the payment of the mileage and *per diem* pay of the members of the second extra session of the third Legislature, was taken up, read second time and ordered to be engrossed.

On motion of Mr. Franklin, a bill to be entitled an act to amend the first section of an act incorporating the Galveston and Brazos Navigation Company, was taken up and read second time; rule suspended, bill read third time and passed.

On motion of Mr. Sterne, Mr. Jowers was added to the Committee on Education.

On motion of Mr. Scott, the House adjourned until ten o'clock Monday morning.